
1

Action Item

California Postsecondary Education Commission

Approval of the Minutes of the June 3, 2003, Meeting

MINUTES

California Postsecondary Education Commission

Meeting of June 3, 2003

**Commissioners
present** Alan S. Arkatov *Chair*
Howard Welinsky, *Vice Chair*
Odessa P. Johnson
Ralph R. Pesqueira
Guillermo Rodriguez, Jr.
Rachel E. Shetka
Olivia K. Singh

**Commissioners
absent**
George T. Caplan
Carol Chandler
Irwin S. Field
Evonne Seron Schulze
Anthony M. Vitti
Faye Washington

Call to order Commission Vice Chair Welinsky called the Tuesday, June 3, 2003, California Postsecondary Education Commission meeting to order at 9:45 a.m. at the California State Capitol, Room 113, Sacramento, California 95814.

**Presentation on
“The Implications
of the Racial
Privacy Initiative
for Access and
Diversity in
California’s
Colleges and
Universities**

The Commission heard presentations by three invited speakers who gave an overview and various perspectives on “The Implications of the Racial Privacy Initiative for Access and Diversity on California’s Colleges and Universities”. The “Racial Privacy Initiative”, or “California Race, Ethnic, Color, and National Origin (CRECNO) Initiative”, would impose a Constitutional Amendment that would prohibit the state and other public entities from classifying certain individuals by race, ethnicity, color, or national origin and could directly impact the manner by which the Commission and institutions of higher education collect and report data on students, faculty, and staff. The initiative cites exemptions for public safety, public health research and treatment, and fair employment and housing.

Kevin Nguyen, past executive director of the American Civil Rights Institute and American Civil Rights Coalition; Thomas Wood, Executive Director of the California Association of Scholars and an author of Proposition 209; and Jay Ziegler, co-director of the “No on the Information Ban” campaign contributed to the discussion.

Mr. Nguyen stated that the initiative would eliminate “inappropriate governmental curiosity” about racial and ethnic classification of Californians. He further stated that opponents of the initiative “engage in fear-mongering” by misrepresenting the exemptions. In addition, Mr. Nguyen asserted that more and more people who are asked to provide information on their ethnic/racial identities are declining to state such. He said that one of the most insidious aspects of classifying individuals by race/ethnicity is an underlying

assumption that each classification implies a particular, uniform mindset and outlook among members of that group. He concluded by stating that public entities are obsessed with the collection of racial and ethnic data, which, in turn, makes Californians overly conscious of race.

Commissioners posed questions for Mr. Nguyen regarding the potential impact of the initiative on higher education. He responded that the collection of student data would be limited unless the federal government required such data.

Mr. Ziegler then spoke to the Commission, focusing his comments on rebutting arguments advanced by proponents. He noted that the California Medical Association and other prominent health-related organizations are very concerned about the initiative's restriction on data collection, believing that the exemptions are not sufficiently broad. Mr. Ziegler noted that the initiative would remove data that measure gaps in student achievement as well as some of the tools for corrective methods.

Mr. Wood, acknowledging that he was a supporter of Proposition 209, then gave his presentation, stating among other things, that he was concerned that the initiative would preclude the collection of racial and ethnic data necessary to appropriate nondiscrimination law enforcement. He voiced concern about the prevalence of reverse discrimination.

**Panel on “The
Value of Diversity
in Higher
Education”**

Vice-Chair Welinsky then introduced the first panel discussion of the meeting, which focused on “The Value of Diversity in Higher Education” and the issues of the nature of campus diversity and how diversity impacts access to education. Participants on the panel included Theodore Mitchell, President of Occidental College; Kenneth Marcus, Acting Deputy Assistant Secretary for Enforcement and Senior Counselor, Office for Civil Rights, U.S. Department of Education; and Louanne Kennedy, Commissioner and Vice Chair of the Western Association of Schools and Colleges.

This panel shifted the focus from public policy to institutional practice. Mr. Mitchell began the presentation by describing the diversity at Occidental College, noting that it is among the most racially and economically diverse small liberal arts colleges in the nation. He went on to describe the school's admission policy and philosophy of the importance of diversity in promoting social learning and bringing multiple, challenging perspectives to academic discussion.

Mr. Marcus continued the panel discussion stating that the Bush Administration's position on the Michigan litigation clearly evidences the view that diversity should be pursued via race neutral approaches. He stated that what is happening at the secondary school level is critical to issues of diversity in higher education. By closing the achievement gaps that now exist in K-12 education, diversity would grow naturally among postsecondary enrollments.

Ms. Kennedy reported to the Commissioners that the State University system is the most diverse institution in the country. She also said that 40 – 45% of the faculty hired in the past few years has been from underrepresented groups.

A variety of questions were asked by the Commissioners related to the uncertainty about the initiative's exemption for racial/ethnic data required by the federal government. Although it is expected that California institutions would still be able to collect data required for submission to allow students at those institutions to continue receiving federally sponsored student financial aid, there is a question about the enforcement and data collection for optional federal programs that now provide resources to some institutions in the state, i.e. funds for Hispanic-serving institutions. Commissioners expressed concerns about the potential disadvantage of California institutions to be able to compete for such monies. They also voiced concern at the disparity the initiative would create between public and private institutions to collect racial/ethnic data.

**Panel on
“The Role the
Admission Process
Plays in Achieving
Campus Diversity”**

The second panel of the day was titled, “The Role the Admission Process Plays in Achieving Campus Diversity”. The participants on this panel included Calvin Moore, Chair of the University of California Berkeley’s Faculty Undergraduate Admissions Committee and a member of the system-wide Board of Admissions and Relations with Schools (BOARS); Encarnacion Ruiz, Director of Admissions for UC Merced; and Allison Jones, Assistant Vice Chancellor for Student Academic Support, California State University Chancellor’s Office.

Mr. Moore began this panel presentation by outlining general University admission parameters and then provided some specifics on procedures at his campus. He described the move from emphasizing the grade point average and SAT scores to emphasizing a comprehensive review, encompassing a very broad definition of merit. An additional factor used is the consideration of what a student can contribute to the intellectual and social life of the campus.

Mr. Ruiz gave background information on the reasons for placing the University’s tenth campus in the Central Valley. He went on to describe characteristics of the Valley with regard to ethnicity, race and poverty.

Mr. Jones addressed the Commission, stating that 62.6% of State University enrollments are underrepresented students, with 40% of all students speaking a native language other than English. He noted that 19 of the 23 campuses have been cited as Hispanic-serving institutions.

Recess/Reconvene

Vice-Chair Welinsky called for a lunch recess from 12:25 p.m. to 1:30 p.m. and reconvened the meeting at 1:30

**Report of the
Statutory Advisory
Committee**

Vice Chair Welinsky asked for a report from the Statutory Advisory Committee (SAC) and called upon Chair Ron Fox.

Mr. Fox reported on the Committee’s May 27 meeting. He highlighted several developments and activities undertaken by the segments. Among them were:

State Department of Education

- ◆ Superintendent O’Connell’s goals include the advocacy for bond measures and parcel

taxes, the streamlining of testing and data collection, the rising responsibility of the department to assist struggling schools, and the need to be diligent in making sure that consistent, timely and accurate information is delivered in all dealings with the field;

- ◆ The State Board received a report on the Exit Exam and is scheduled to make a decision about deferring the test or not in July;
- ◆ Superintendent O'Connell, Chancellor Reed and Board President Hastings are collaborating to ensure that intersegmental standards are aligned by linking grade 11 standards tests to CSU's placement standards.
- ◆ Dr. Randy Ward has been named by Superintendent O'Connell to be the State Administrator in the Oakland Unified School District.

California Community Colleges

- ◆ The search for a new Chancellor is now being organized. The Board of Governors will take public comment on the search plan and timetable at their July meeting.
- ◆ The system is grateful to the Governor for his significant restoration of financial support for the colleges in the May Revise. Building on his support, the legislature will deliberate on a community college budget that contains the Governor's restorations and additional funds garnered from a shift in apportionments.
- ◆ The system continues to work on a resolution of problems in high school concurrent enrollments. An investigation undertaken by the Chancellor's Office and legislative action by Senator Jack Scott are the main vehicles for accomplishing this.
- ◆ The Board of Governor's welcomed four new members this spring, including Melinda Guzman-Moore, Fahari Jeffers, Carolyn Russell and Ronald Wong.

University of California

- ◆ The Strategic Review Panel on Educational Outreach Recommendations were presented to the UC Regents at their last meeting. Among other things, the recommendations stated the need for UC outreach to focus on "academic achievement and success of educationally disadvantaged and underrepresented students," whether or not such students may eventually attend UC.
- ◆ The Regents voted 15-3 to oppose the Racial Privacy Initiative, because the initiative contains potentially significant restrictions that could impede its ability to conduct research and carry out other aspects of its core mission.
- ◆ The University admitted a record number of freshmen students for fall 2003; however the proportion of those accepted to their campuses of choice has declined slightly as admission becomes more competitive at nearly all UC campuses.
- ◆ A total of 60,347 California freshmen applicants were offered fall or winter admission this year to one or more of UC's eight undergraduate campuses.

- ♦ The number of underrepresented California students admitted for fall 2003 increased 7.7 % over fall 2002.

Panel on “The Role Data Collection Plays in Shaping Policy Regarding Access and Diversity”

The last panel of the day addressed the specific way in which data collection affects access and diversity on college and university campuses. The following panelists made presentations to the Commission: Henry Der, former CPEC Commissioner and State Administrator of Emery Unified School District; Susan Choy, Vice-President of MPR Associates, a firm specializing in federal and state data collection; Mark Wolf, a graduate student at the UC Berkeley School of Public Policy; and Patrick Perry, Vice-Chancellor of the California Community College Chancellor’s Office, specializing in system information technology and research.

Panelists made the following points regarding data collection:

- ♦ The U.S. Census now allows individuals to identify more than one racial/ethnic group with which they identify. Initial concerns that this practice would “dilute” the numbers associated with any particular group appear unfounded. In the 2000 census, many individuals identified with more than one group and the numbers for each increased.
- ♦ The National Education Longitudinal Study (NELS) provides a rich source of information on postsecondary students (e.g., parental education and income, high school academic program support, etc.) If these socio-economic factors are taken into account, race/ethnicity information is not as necessary.
- ♦ Institutions collect racial/ethnic data on students for several purposes, including the Integrated Postsecondary Educational Data System (IPEDS).
- ♦ Three risks in looking at data differentiated by race/ethnicity are: Attribution theory (inferring superior/inferior abilities based on racial/ethnic distinctions); Pygmalion effect (lower teacher expectations translating into lower student performance); Big brother issue (data vulnerable to being used for purposes other than that for which it was originally collected).

Chair Arkatov thanked the panelists and called for a 10-minute recess at 3:45.

Approval of the minutes

Committee Arkatov called on the Commission to review the minutes of the previous meeting and asked for approval. The Commission unanimously approved the minutes of the April 3, 2003 Commission meeting.

Legislative Update, June 2003

Director of Governmental Relations Marge Chisholm presented an update of the matrix of bills tracked by the Commission. She recommended the following changes: (1) add AB 1783 (Committee on Higher Education), the proposal that would delete the sunset date for the Cross-Enrollment Program; (2) delete ACR 9 (Dymally), as the author is dropping the proposal to revise the education code relating to community colleges; and (3) change the Commission’s position on Senate Bill 680 (McPherson), which calls for a review of the grade point average formula and the adequacy of Cal Grant opportuni-

ties for nontraditional students, to a straight “Support” position. The Commission voted to adopt the recommended changes.

Ms. Chisholm also reported that the Master Plan bills would be held in their house of origin in order to have time for further discussion. They will be re-activated next year, the second year of the session. She briefly discussed Assembly Bill 655, a proposal to consolidate the functions of the California Student Aid Commission, the Postsecondary Education Commission and the Bureau for Private Postsecondary and Vocational Education, informing the Commission of the ongoing discussions surrounding the proposal. Director Moore then discussed the status and timing of the bill, noting the extensive negotiations that are taking place. Commissioner Johnson expressed concern as to structuring the consolidated agency such that the student financial aid functions do not overwhelm the independent functions and nature of CPEC. She stated that more CPEC staff would be needed, and that these kinds of details are important.

Adjournment Chair Arkatov adjourned the meeting at 4:15 p.m.
